

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

**MICAH FIALKA-FELDMAN,**

Plaintiff,

Case Number 08-CV-14922  
Hon. Patrick J. Duggan

v.

**OAKLAND UNIVERSITY BOARD  
OF TRUSTEES, GARY D. RUSSI, MARY BETH  
SNYDER, and LIONEL MATEN, in their  
official capacities,**

Defendants.

---

**DEFENDANTS' SUPPLEMENTAL SUBMISSION AND SUR-REPLY TO PLAINTIFF'S  
REPLY BRIEF IN SUPPORT OF HIS MOTION FOR SUBSTITUTION OF  
DEFENDANT, SUMMARY JUDGMENT AND PERMANENT INJUNCTION**

## **DISCUSSION**

In his Reply Brief in Support of His Motion for Substitution of Defendant, Summary Judgment and Permanent Injunction, Plaintiff claims that Defendants have submitted their Expert's Report to this Court. and consequently, Plaintiff filed his Expert's Report with the Court as an exhibit to his Reply Brief. (*See* Plaintiff's Brief, p. 4, n.5) Contrary to Plaintiff's representation, Defendants have not previously submitted their Expert's Report to this Court. As a means to complete the record represented by Plaintiff, though, Defendants are doing so as an attachment hereto. (*See* Exhibit 1)

Respectfully submitted,

**BUTZEL LONG, a professional corporation**

By: /s/ Robert A. Boonin  
Robert A. Boonin (P38172)  
350 South Main Street, Suite 300  
Ann Arbor, Michigan 48104  
(734) 995-3110  
boonin@butzel.com  
dahle@butzel.com  
**Attorneys for Defendants**

Dated: December 16, 2009

**Certificate of Service**

I, Robert A. Boonin, hereby certify that on December 16, 2009, I electronically filed the foregoing document with the Clerk of the court using the ECF system, which will send notification of such filing to all counsel of record.

**BUTZEL LONG, a professional corporation**

By: /s/ Robert A. Boonin  
Robert A. Boonin (P38172)  
350 South Main Street, Suite 300  
Ann Arbor, Michigan 48104  
(734) 995-3110  
boonin@butzel.com  
**Attorneys for Defendants**